

REMARKS

In response to the Restriction Requirement dated September 8, 2005, applicants have canceled all of the previously pending claims (1-120) and present new claims 211-234 for examination. Accordingly, the prior restriction requirement is moot. Moreover, all of the currently pending claims are directed to the same invention -- a system and method for scanning a dataform, wherein the scan apparatus includes a micromachined mirror. Accordingly, no further restriction is required and examination on the merits is respectfully requested.

All of the new claims are fully supported by the specification and no new matter has been added. Further to this issue, the Examiner should take note that the present application is a continuation-in-part of U.S. Application Serial No. 08/631,364, filed April 12, 1996, and which issued as U.S. Patent No. 6,059,188 (wherein the '364 application is itself a continuation-in-part of a series of prior cases). All of the parent applications have been expressly incorporated by reference into the present application. For the Examiner's convenience, a copy of the '364 application as originally filed is enclosed.

Support for dependent claims 215, 217, 223, 227, 232 and 234, which recite driving the micromachined mirror electrostatically, is provided by at least on p. 30, lines 9-11 of the specification as filed for the parent '364 application. Likewise, support for claims 216, 228 and 233, which recite suspending the micromachined mirror by torsional hinges, is provided by at least Fig. 9 (ref. nos. 16a, 16b), and p. 28, lines 24 – p. 29, line 19 of the '364 application. Finally, support for claim 222, which recites a device with either a key pad, or display, is provided by at least Fig. 18 (ref. nos. 1148, 1149) and p. 32, lines 14-16 of the '364 application. (These references to the '364 application are exemplary and should not be considered as a

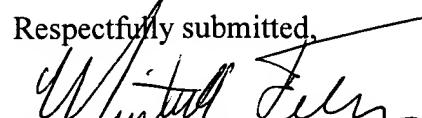
Attorney Docket No. 21119-0035
Preliminary Amendment

comprehensive list of all support these claims in the present disclosure, including the disclosure of the parent applications incorporated by reference.)

Entry of the forgoing amendment and examination of the claims on the merits is respectfully requested.

Date: February 1, 2006

Respectfully submitted,



Mitchell S. Feller
Reg. No. 42,530

Hogan & Hartson L.L.P.
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3000